

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

Master Civil No. 01-cv-12257

MDL NO. 1456

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:
ASTRAZENECA CLASS 1

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL'S MOTION TO PARTIALLY DISTRIBUTE ASTRAZENECA
CLASS 1 SETTLEMENT FUNDS TO *CYPRES* RECIPIENTS**

Class Counsel respectfully moves this Court for an order partially distributing the remaining funds from the AstraZeneca Class 1 settlement to *cy pres* recipients. As set forth more fully below, Class Counsel propose to distribute a total of \$2.8 million to ZERO – The Project to End Prostate Cancer to provide mobile prostate cancer testing and to CancerCare to fund its Transportation Assistance Program for People With Cancer. After Class Counsel have further exhausted their efforts to locate additional relatives and next-of-kin for Class members with uncashed checks, but in any event no later than April 29, 2011, Class Counsel will then move the Court for a final distribution of the remaining settlement amount.

I. THE CLASS 1 ASTRAZENECA SETTLEMENT

On December 19, 2008, this Court granted final approval of Class I Plaintiffs' settlement with Defendant AstraZeneca Pharmaceuticals, L.P. ("AstraZeneca"). Dkt. No. 5802. The Settlement provides that AstraZeneca pay authorized claims up to \$24 million to Class members who took Zoladex®, a drug used primarily in the treatment of prostate cancer. Under the terms of the Settlement, all Class members who made valid claims received *triple* their damages.

3/22/2011
FILED
Patti B Saris